

For: State and County Offices

Coronavirus Food Assistance Program 2 (CFAP 2) Application Close Out

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

FSA announced a CFAP 2 deadline of **October 12, 2021**, in the final rule published in the FR on August 27, 2021.

B Purpose

This notice informs and reminds State and County Offices of the:

- deadline for applicants to submit AD-3117's
- policy for processing AD-3117's for persons and legal entities who applied for CFAP 2 by the deadline or were added to an approved register according to 1-CM
- policy for late-filed AD-3117's
- deadline by which County Offices **must** act on AD-3117's.

Disposal Date

May 1, 2022
10-21-21

Distribution

State Offices; State Offices relay to County Offices

2 AD-3117, Coronavirus Food Assistance Program 2 (CFAP 2) Application

A AD-3117 Deadline

The AD-3117 deadline was **October 12, 2021**. All AD-3117's must have been completed and submitted by the deadline, including those on an approved register according to 1-CM maintained by County Offices.

Reminder: 1-CM provides policy for using a register if approved by the State Office. If using a register was approved and a producer contacted FSA to file AD-3117 by October 12, 2021, and the County Office could not accommodate that request, the producer could be placed on the register and an appointment scheduled after the deadline. Registers are **not** an extension of a deadline.

Note: CFAP 2 applicants must file all CFAP 2 eligibility documents within 60 calendar days from the date of signing AD-3117. Failure to timely provide all eligibility forms may result in no payment or a reduced payment; however, AD-3117's may be acted on without all eligibility documents filed.

B Late-Filed AD-3117

If AD-3117 is submitted after October 12, 2021, COC will either disapprove the late-filed AD-3117 or make a recommendation for programmatic relief to STC if circumstances warrant such a recommendation.

Note: A producer's AD-3117 submitted on the date of the established appointment on an approved register, as discussed in subparagraph A, is not considered late-filed.

If COC recommends relief, STC will review the participant's request and the COC's recommendation. If STC determines relief is warranted, STC will follow procedure in 7-CP to submit a recommendation to DAFP to request programmatic relief to accept the late-filed AD-3117. DAFP may do either of the following:

- grant relief, and the State Office will advise COC to notify the applicant of the approval

Note: The FSA representative will sign and date AD-3117 for the Coronavirus Aid, Relief, and Economic Stability Act, CCC, or both, as applicable with the effective DAFP decision date.

- deny relief, and the State Office will advise COC to disapprove AD-3117 and notify the participant in writing that relief has been disapproved. The letter must include appropriate appeal rights according to 1-APP.

Note: Neither COC nor STC are under any obligation to recommend relief. COC or STC can disapprove AD-3117 and choose not to recommend programmatic relief of the late-filed AD-3117 to DAFP. Choosing not to forward AD-3117 to DAFP with a recommendation to grant relief is not a denial of relief; however, it is a disapproval of AD-3117.

Notice CFAP-22

2 AD-3117, Coronavirus Food Assistance Program 2 (CFAP 2) Application (Continued)

B Late-Filed AD-3117 (Continued)

Generally, a participant's assertion of not being aware of an AD-3117 deadline is not a valid reason for finding the applicant was prevented, by reasons beyond the applicant's control, from filing a timely AD-3117. The AD-3117 deadline is available in the public domain or by contacting FSA.

3 Action

A State Office Action

State Offices will take immediate action to:

- ensure that all County Offices are aware of the contents in this notice
- assist County Offices with questions on the information in this notice
- contact Safety Net Division staff with questions about this notice.

B County Office Action

County Offices will:

- finalize action on all AD-3117's by **November 12, 2021**, including entering all AD-3117's and COC determinations into the CFAP 2 software according to 4-CFAP.

Exception: AD-3117's that include a new 2020 contract producer for which an average must be determined and AD-3117's under appeal or relief consideration may be finalized after November 12, 2021.

Note: AD-3117's that include a new 2020 contract producer must be acted on after the average revenue loss level has been determined, according to 3-CFAP, subparagraphs 312 H and 327 A.

- contact DD or State Office, as applicable, with questions about this notice.